UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GALEN ARMSTRONG; TIM BARTHELMES; MATT BARTKO; CASEY BRANDER; ANTHONY BRINO; SHANE DUNLAP; NICHOLAS HALBERT-BROOKS; EMILY HARPER; MELISSA HILL; MICHAEL JEHN; TOM JUDD; MAX KANTAR; KYLE KRAMER; GIANNI LABEL; JASON MUNLEY; JOANNE ONG; JOCELYN PETYAK; JULIE PITTMAN; JORDAN ROMANUS; JOHN SALGUERO; TIM SALLINGER PETER SHELL; MAUREEN SMITH; BEN TABAS; and WILLIAM TUTTLE,	**CIVIL ACTION NO. 2:10-cv-01246-NBF**
Plaintiffs,	
v.	
CITY OF PITTSBURGH; NATHAN HARPER, Chief, Pittsburgh Bureau of Police; PAUL DONALDSON, Deputy Chief, Pittsburgh Bureau of Police; Lt. ED TRAPP; TIMOTHY DEARY; THOMAS PAULEY; ALISA DUNCAN; DORTHEA LEFTWICH; DONALD SNIDER; RICHARD HOWE; LARRY CRAWFORD; DOUGLAS HUGNEY; WILLIAM FRIBURGER; MICHELLE MCHENRY; DAVID SISAK; RITA LEAP, ROBERT SHAW; MICHAEL VEITH; OFFICERS DOE 1-100,	**JURY TRIAL DEMANDED**
Defendants.	

FIRST AMENDED COMPLAINT

INTRODUCTION

On Friday, September 25, 2009, hours after the conclusion of the G-20 Summit, the City of Pittsburgh Bureau of Police deployed hundreds of police officers to Schenley Plaza, a public park in the middle of the University of Pittsburgh campus, to disrupt a peaceful political demonstration against police brutality and to punish those suspected of participating in the demonstration with unlawful detention and false arrest. Police arrested more than 100 people, including many University of Pittsburgh students on their own campus, for failure to disperse even though every person was arrested outside of Schenley Plaza, some of them many blocks away. The arrestees were handcuffed, searched, transported to SCI-Pittsburgh, and held overnight.

The twenty-five plaintiffs were part of that mass arrest. Most of the plaintiffs had gathered with a few hundred other people on a beautiful Fall evening in Schenley Plaza to participate in, observe, or document the demonstration. A few people played the children's game "duck, duck, goose" while most simply milled about, watching and discussing the spectacle of several hundred police clad in black riot-gear, who had begun to encircle the plaza. The plaza was busy but peaceful, befitting a Friday night in a neighborhood with thousands of university students. There was no fighting, boisterous drunkenness, vandalism, or disorderly conduct, and prior to issuing the order to disperse, police had arrested no one.

Nevertheless, at 10:42 p.m., without provocation or cause, Pittsburgh Bureau of Police officials declared the peaceful assembly of a few hundred people in Schenley Plaza to be an unlawful gathering and ordered everyone to leave. But instead of providing a way for people to comply with the dispersal order, police funneled everyone onto the lawn of the University of Pittsburgh's Cathedral of Learning. Police then surrounded the approximately 100 people trapped on the Lawn, refused to allow them to leave, ordered them to lie on the ground and placed them in handcuffs. Police arrested them and falsely charged them with failure to disperse and disorderly conduct.

Several people who managed to get beyond the police lines, including two of the plaintiffs, were tracked down by police and also arrested for failure to disperse half a mile from the Plaza. Five other plaintiffs were arrested blocks from the Plaza for failure to disperse despite having never been in the Plaza.

In effecting the arrests, police used excessive force, gratuitously squirting people with pepper spray and shooting them with pepper-ball bullets. The police forced one of the plaintiffs to kneel, handcuffed, in front of the squadron so that they could snap a "trophy photo."

Police detained the plaintiffs for at least 5 and one half and up to 20 hours. Some were held on buses for hours or forced to sit outdoors in cold and rainy weather, all while handcuffed. The women detainees in particular were subjected to sexist comments, aggressively searched in front of male officers, and not allowed to use bathroom facilities. Medical care for injuries was not provided, and one of the plaintiffs was denied his diabetes medicine, requiring emergency treatment.

Although the criminal charges filed against the plaintiffs were eventually dismissed or withdrawn, they suffered great fear, harm, and personal injury as a result of being forcibly arrested and deprived of their liberty.

Peaceable assembly in public spaces protesting governmental laws and actions is enshrined in the First Amendment to the U.S. Constitution as one of our most cherished rights. The power of police to spontaneously declare such peaceful protests unlawful and to arrest the participants is a hallmark of totalitarianism and is antithetical to America's proud history of respecting protest and dissent. Yet on September 25, 2009, the twenty-five plaintiffs, most of whom did not know each other, were brought together by the unlawful decision of high-ranking police officials to arrest everyone suspected of being involved in the Schenley Plaza demonstration in retaliation for their perceived political expression.

Plaintiffs in this civil rights lawsuit allege that the police order to disperse the peaceful demonstration violated the First Amendment, and that the subsequent arrest, detention and prosecution of the plaintiffs amounted to retaliation for exercise of constitutionally protected rights, and false arrest and malicious prosecution in violation of the Fourth Amendment. Plaintiffs also seek a declaration that Pennsylvania's failure-to-disperse statute is unconstitutionally vague and overbroad. Plaintiffs seek damages for violation of their rights of expression and assembly, the deprivation of liberty, and the physical and emotional injuries caused by defendants' actions.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343(3) and (4). This Court also has jurisdiction pursuant to 28 U.S.C. §§ 2201 and 2002 to declare the rights of the parties and to grant all further relief found necessary and proper.

2. This Court has personal jurisdiction over the defendants, who are located in the Western District of Pennsylvania.

3. Venue is proper in the Western District of Pennsylvania pursuant to 28 U.S.C. § 1391(a) in that the defendants are subject to personal jurisdiction within the Western District of Pennsylvania and the events that give rise to this action occurred within the Western District of Pennsylvania.

PARTIES

Plaintiffs

4. **GALEN ARMSTRONG** is a campus organizer for an environmental organization in Oxford, MS. At all times relevant to this Complaint, he was a 25-year-old resident of Chicago, Illinois. Mr. ARMSTRONG traveled to Pittsburgh in September 2009 to participate in G-20 Summit demonstrations. On September 25, 2009, Mr. ARMSTRONG was peacefully and lawfully demonstrating in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. ARMSTRONG without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

5. **TIM BARTHELMES** is a sophomore in the honors college at the University of Pittsburgh. At all times relevant to this Complaint, he was 18 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. Mr. BARTHELMES was lawfully and peacefully walking back to his residence along 5th Avenue when, without notice, warning or justification, a police officer grabbed his shoulders and threw him on the ground at the southeast corner of 5th Avenue and North Bouquet Street. Police then detained, arrested, and jailed Mr. BARTHELMES without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

6. **MATT BARTKO** works as a program manager for Public Allies, a nonprofit organization that works to advance new leadership to strengthen communities, nonprofits and civic participation. At all times relevant to the Complaint, he was 26 years old and a resident of

the City of Pittsburgh. Mr. BARTKO was riding his bicycle from Bloomfield to his home in Oakland when police pulled him off his bicycle in front of the Bigelow Boulevard entrance to the Cathedral of Learning and illegally detained, arrested, and jailed Mr. BARTKO without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

7. **CASEY BRANDER** is a senior studying art at Carnegie Mellon University. At all times relevant to this Complaint, she was 20 years old, a resident of the City of Pittsburgh, and a student at Carnegie Mellon. On September 25, 2009, Ms. BRANDER was lawfully and peacefully walking across the Cathedral of Learning lawn from her residence to Schenley Plaza when, without notice or warning, police surrounded her and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. BRANDER without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

8. **ANTHONY BRINO** is a senior studying anthropology and English writing at the University of Pittsburgh. At all times relevant to this Complaint, he was 21 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Mr. BRINO was lawfully and peacefully taking photographs of the demonstration in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. BRINO without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

9. **SHANE DUNLAP** is a news photographer for The Evening Sun in Hanover, Pennsylvania. At all times relevant to this Complaint, he was a 24-year-old resident of the City of Pittsburgh working as a freelance photojournalist. On September 25, 2009, Mr. DUNLAP was lawfully and peacefully photographing the demonstration in Schenley Plaza, when police issued an order to disperse. At all relevant times, Mr. DUNLAP wore a clearly visible press pass issued by the United States Department of State identifying him as a journalist. He had exited the Plaza and was attempting to comply with the order to disperse when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. DUNLAP without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

10. **NICHOLAS HALBERT-BROOKS** is a sophomore studying mechanical engineering at the University of Pittsburgh. At all times relevant to this Complaint, he was 18 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Mr. HALBERT-BROOKS was lawfully and peacefully observing a demonstration in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. HALBERT-BROOKS without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

11. **EMILY HARPER** is a senior studying secondary education at Ferris State University in Big Rapids, Michigan. She traveled to Pittsburgh in September 2009 to participate

in the G-20 Summit demonstrations. At all times relevant to this Complaint, she was 21 years old, a resident of Big Rapids, and a student at Ferris State University. On September 25, 2009, Ms. HARPER was lawfully and peacefully observing a demonstration in Schenley Plaza when police issued an order to disperse. She had exited the Plaza and was approximately a half mile away when, without notice or warning, police officers jumped out of three unmarked white vans and began chasing her down Parkman Street. A police officer grabbed her, pushed her face into the ground, put his boot on her back, and threatened to shoot rubber bullets at her without justification in violation of her rights under the Fourth Amendment to the United States Constitution. Police then illegally detained, arrested, and jailed Ms. HARPER without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

12. **MELISSA HILL** is a resident of Minneapolis, Minnesota, who traveled to Pittsburgh in September 2009 with the organization Twin Cities Indymedia to video-record events during the G-20 Summit. At all times relevant to this Complaint, Ms. HILL was a 30-year-old resident of Minneapolis. On September 25, 2009, Ms. HILL was lawfully and peacefully video-recording a demonstration in Schenley Plaza when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. HILL without probable cause and on account of her perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

13. **MICHAEL JEHN** works in the facilities department of the Carnegie Mellon University Software Engineering Institute. At all times relevant to this Complaint, he was a 28-

year-old resident of the City of Pittsburgh and employed by Carnegie Mellon. On September 25, 2009, Mr. JEHN was standing on the southeast corner of the Cathedral of Learning lawn, lawfully and peacefully observing a demonstration being held across the street in Schenley Plaza, when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. JEHN without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

14. **TOM JUDD** works as a hotline counselor for an abortion-rights organization in Washington, D.C. At all times relevant to this Complaint, he was a 24-year-old community organizer residing in East Greenwich, Rhode Island. He graduated from Hobart and William Smith College with a BA in religious studies in 2007. Mr. JUDD traveled to Pittsburgh in September 2009 to participate in G-20 Summit demonstrations. On September 25, 2009, Mr. JUDD was peacefully and lawfully demonstrating in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the lawn of the Cathedral of Learning, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. JUDD without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

15. **MAX KANTAR** is a resident of Big Rapids, Michigan, who traveled to Pittsburgh in September 2009 to participate in G-20 Summit demonstrations. At all times relevant to this Complaint, he was 22 years old, a resident of Big Rapids, and a student studying history at Ferris State University. On September 25, 2009, Mr. KANTAR was lawfully and peacefully observing a demonstration in Schenley Plaza when police issued an order to disperse.

He had exited the Plaza and was approximately a half mile away when, without notice or warning, police officers jumped out of three unmarked white vans and began chasing him down Parkman Street. Police officers grabbed him, tackled him, pushed his face into the ground, pulled his hair, punched him several times in the head, and hit him with a baton without justification in violation of the Fourth Amendment to the United States Constitution. Police then illegally detained, arrested, and jailed Mr. KANTAR without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

16. **KYLE KRAMER** graduated from the University of Pittsburgh with a bachelor's degree in English writing in May. At all times relevant to this Complaint, he was 21 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Mr. KRAMER was walking on Forbes Avenue after eating dinner at a South Oakland restaurant when, without justification, police officers grabbed his arms, kicked his knees, and illegally detained, arrested, and jailed Mr. KRAMER without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

17. **GIANNI LABEL** is a senior studying studio art and architecture at the University of Pittsburgh. At all times relevant to this Complaint, she was 21 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Ms. LABEL attended a concert sponsored by public radio station WYEP at Schenley Plaza. Following the concert, she remained in the plaza where she was lawfully and peacefully observing a demonstration when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her and at least fifty other

people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. LABEL without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

18. **JASON MUNLEY** works in home remodeling and construction. At all times relevant to this Complaint, he was a 31-year-old resident of the City of Pittsburgh. On September 25, 2009, while traveling west on 5th Avenue on his foot scooter, Mr. MUNLEY displayed his middle finger to a line of police officers blocking the entrance to South Bellefield Avenue. Police illegally detained, arrested, and jailed Mr. MUNLEY without probable cause and on account of his expression in violation of his rights under the First and Fourth Amendments to the Constitution.

19. **JOANNE ONG** is a junior studying design at Carnegie Mellon University. At all times relevant to this Complaint, she was 19 years old, a resident of the City of Pittsburgh, and a student at Carnegie Mellon. On September 25, 2009, Ms. ONG attended a concert in Schenley Plaza sponsored by public radio station WYEP. Following the concert and dinner at a nearby café, she returned to the plaza, where she was lawfully and peacefully standing when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. ONG without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

20. **JOCELYN PETYAK** is a graduate student in information studies at the University of Texas at Austin. At all times relevant to this Complaint, she was 21 years old, a

resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Ms. PETYAK was peacefully and lawfully demonstrating in Schenley Plaza when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. PETYAK without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

21. **JULIE PITTMAN** is a junior studying sociology at Brown University in Providence, Rhode Island. She traveled to Pittsburgh in September 2009 with a group of medics to provide first aid to protestors during the G-20 Summit. At all times relevant to this Complaint, Ms. PITTMAN was 20 years old, a resident of Providence, and a sophomore at Brown University. Ms. PITTMAN attended the Schenley Plaza demonstration to provide first aid to demonstrators. She was lawfully and peacefully standing in the Plaza when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. PITTMAN without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

22. **JORDAN ROMANUS** is a union organizer. At all times relevant to this Complaint, Mr. Romanus was 22 years old, a resident of the City of Pittsburgh, and a senior studying philosophy and political science at the University of Pittsburgh. On September 25, 2009, Mr. ROMANUS was peacefully and lawfully demonstrating in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with

the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. ROMANUS without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

23. **JOHN SALGUERO** is a sophomore studying bioinformatics at the University of Pittsburgh. At all times relevant to this Complaint, he was 18 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Mr. SALGUERO was sitting on a planter at De Soto Street near 5th Avenue when, without notice, warning, or justification, a police officer approached him and sprayed him in the face with pepper spray, temporarily blinding him and inflicting a great deal of pain in violation of his Fourth Amendment rights. Police then illegally detained, arrested, and jailed Mr. SALGUERO without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

24. **TIM SALLINGER** is a resident of Chicago, Illinois, who traveled to Pittsburgh in September 2009 to participate in the G-20 Summit demonstrations. At all times relevant to this Complaint, he was 21 years old, a resident of Athens, Ohio, and a senior studying journalism at Ohio University. On September 25, 2009, Mr. SALLINGER was peacefully and lawfully observing the demonstration in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the lawn of the Cathedral of Learning, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. SALLINGER without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

25. **PETER SHELL** is an I.T. project manager, computer programmer, and co-chair of the Thomas Merton Center Antiwar Committee, which organized the Friday afternoon mass march from Oakland to the North Side via Downtown called the People's March. At all times relevant to this Complaint, he was 46 years old and a resident of the City of Pittsburgh working as an I.T. project manager. On September 25, 2009, Mr. SHELL had gone to Schenley Plaza to attend a concert sponsored by public radio station WYEP. Although he arrived after the concert had ended, he stayed in the Plaza to observe the demonstration and to conduct interviews with the media about the G20 demonstrations. He was lawfully and peacefully standing in the Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the lawn of the Cathedral of Learning, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. SHELL without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

26. **MAUREEN SMITH** works at a Pittsburgh restaurant. At all times relevant to this Complaint, she was 20 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Ms. SMITH attended a concert sponsored by public radio station WYEP at Schenley Plaza. Following the concert, she remained in the plaza where she was lawfully and peacefully observing a demonstration when police issued an order to disperse. She had exited the Plaza and was attempting to comply with the order when police surrounded her and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Ms. SMITH without probable cause and on account of her perceived political expression in violation of her rights under the First and Fourth Amendments to the United States Constitution.

27. **BEN TABAS** is a junior studying film studies, philosophy, and poetry at the University of Pittsburgh. At all times relevant to this Complaint, he was 19 years old, a resident of the City of Pittsburgh and a student at the University of Pittsburgh. On September 25, 2009, Mr. TABAS was lawfully and peacefully video-recording the demonstration in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. TABAS without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

28. **WILLIAM TUTTLE** is a senior studying engineering at the University of Pittsburgh. At all times relevant to this Complaint, he was 21 years old, a resident of the City of Pittsburgh, and a student at the University of Pittsburgh. On September 25, 2009, Mr. TUTTLE was peacefully and lawfully demonstrating in Schenley Plaza when police issued an order to disperse. He had exited the Plaza and was attempting to comply with the order when police surrounded him and at least fifty other people on the Cathedral of Learning lawn, closed off all avenues of exit, and illegally detained, arrested, and jailed Mr. TUTTLE without probable cause and on account of his perceived political expression in violation of his rights under the First and Fourth Amendments to the United States Constitution.

Defendants

29. **CITY OF PITTSBURGH** ("City") is a municipal subdivision organized under the laws of Pennsylvania.

30. **NATHAN HARPER** is, and at all relevant times was, the Chief of the Pittsburgh Bureau of Police. On September 25, 2009, Chief HARPER, acting under color of law and pursuant to the policies of the City, approved the unlawful dispersal order and the mass arrest, without probable cause, of plaintiffs and others on account of their perceived political expression. Chief HARPER is named herein in his individual capacity.

31. **PAUL DONALDSON** is, and at all relevant times was, the Deputy Chief of the Pittsburgh Bureau of Police. On September 25, 2009, Deputy Chief DONALDSON, acting under color of law and pursuant to the polities of the City, issued an unlawful order to disperse and ordered the mass arrest, without probable cause, of plaintiffs and others on account of their perceived political expression. Deputy Chief DONALDSON is named herein in his individual capacity.

32. **ED TRAPP** is, and at all relevant times was, a lieutenant with the City of Pittsburgh Bureau of Police. On September 25, 2009, Lt. TRAPP was Deputy Chief DONALDSON's assistant. Acting under color of law and pursuant to the policies of the City, Lt. TRAPP ordered the mass arrest without probable cause and on account of perceived political expression of plaintiffs. Lt. TRAPP is named herein in his individual capacity.

33. **TIMOTHY DEARY** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant DEARY, acting under color of law and pursuant to policies of the city, arrested Plaintiffs ARMSTRONG and BARTHELMES

without probable cause and on account of their perceived expression. Defendant DEARY is named herein in his individual capacity.

34. **THOMAS PAULEY** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant PAULEY, acting under color of law and pursuant to policies of the city, arrested Plaintiffs BARTKO and TUTTLE without probable cause and on account of their perceived expression. Defendant PAULEY is named herein in his individual capacity.

35. **ALISA DUNCAN** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant DUNCAN, acting under color of law and pursuant to policies of the city, arrested Plaintiffs BRANDER, KRAMER, and SALLINGER without probable cause and on account of their perceived expression. Defendant DUNCAN is named herein in her individual capacity.

36. **DORTHEA LEFTWICH** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant LEFTWICH, acting under color of law and pursuant to policies of the city, arrested Plaintiffs BRINO, KANTAR, MUNLEY, ONG, and ROMANUS without probable cause and on account of their perceived expression. Defendant LEFTWICH is named herein in her individual capacity.

37. **DONALD SNIDER** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant SNIDER, acting under color of law and pursuant to policies of the city, arrested Plaintiff DUNLAP without probable cause and on account of his perceived expression. Defendant SNIDER is named herein in his individual capacity.

38. **RICHARD HOWE** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant HOWE, acting under color of law and pursuant to policies of the city, arrested Plaintiffs HALBERT-BROOKS and HILL without probable cause and on account of their perceived expression. Defendant HOWE is named herein in his individual capacity.

39. **LARRY CRAWFORD** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant CRAWFORD, acting under color of law and pursuant to policies of the city, arrested Plaintiff HARPER without probable cause and on account of her perceived expression. Defendant CRAWFORD is named herein in his individual capacity.

40. **DOUGLAS HUGNEY** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant HUGNEY, acting under color of law and pursuant to policies of the city, arrested Plaintiff JEHN without probable cause and on account of his perceived expression. Defendant HUGNEY is named herein in his individual capacity.

41. **WILLIAM FRIBURGER** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant FRIBURGER, acting under color of law and pursuant to policies of the city, arrested Plaintiff JUDD without probable cause and on account of his perceived expression. Defendant FRIBURGER is named herein in his individual capacity.

42. **MICHELLE MCHENRY** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant MCHENRY, acting under color of law and pursuant to policies of the city, arrested Plaintiff PITTMAN without

probable cause and on account of her perceived expression. Defendant MCHENRY is named herein in her individual capacity.

43. **DAVID SISAK** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant SISAK, acting under color of law and pursuant to policies of the city, arrested Plaintiff SHELL without probable cause and on account of his perceived expression. Defendant SISAK is named herein in his individual capacity.

44. **RITA LEAP** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant LEAP, acting under color of law and pursuant to policies of the city, arrested Plaintiff SALGUERO without probable cause and on account of his perceived expression. Defendant LEAP is named herein in her individual capacity.

45. **ROBERT SHAW** was, at all relevant times, a detective with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant SHAW, acting under color of law and pursuant to policies of the city, arrested Plaintiffs LABEL, PETYAK, and SMITH without probable cause and on account of their perceived expression. Defendant SHAW is named herein in his individual capacity.

46. **MICHAEL VEITH** was, at all relevant times, a police officer with the City of Pittsburgh Bureau of Police. On September 25, 2009, Defendant VEITH, acting under color of law and pursuant to policies of the city, arrested Plaintiff TABAS without probable cause and on account of his perceived expression. Defendant VEITH is named herein in his individual capacity.

47. The **DOE** defendants are other law enforcement officers who, acting under color of state law, designed, ratified, approved, implemented, and applied the City's isolation and containment policy and pursuant to that policy authorized, directed, and carried out the mass arrest, without probable cause and based on perceived political expression, of plaintiffs and the use of excessive force against plaintiffs. The Doe defendants are named herein in their individual capacities.

FACTS

BACKGROUND

48. The City of Pittsburgh hosted the G-20 Summit, a meeting of the Group of Twenty Finance Ministers and Central Bank Governors, on September 24-25, 2009.

49. The G-20 Summit attendees arrived in Pittsburgh on the evening of Thursday, September 24, 2009, for a reception and dinner at Phipps Conservatory near Schenley Plaza in Oakland at 6:00 p.m.

50. Hundreds of people, many of them students from nearby universities, assembled in and around Schenley Plaza hoping to get a glimpse of President Obama and other world leaders as they entered the Conservatory.

51. Neither the few dozen protesters nor the hundreds of onlookers ever got near Phipps Conservatory, which was heavily guarded by hundreds of police and National Guard troops.

52. Despite the peaceful nature of the gathering, there were nearly 1,000 riot-clad police present in the Plaza, who, over the course of several hours, slowly forced both peaceful protesters and onlookers out of Schenley Plaza.

53. Later that night, after the delegates had left Phipps and were no longer in the vicinity, a few individuals smashed some storefront windows on Forbes Avenue in Oakland, and the police used tear gas, rubber bullets, and mass arrests to disperse the crowds that had formed in the area.

54. The G-20 Summit concluded by 6:30 p.m. on Friday, September 25, 2009.

CONDUCT GIVING RISE TO VIOLATIONS OF LAW

Facts Related to the Mass Arrest on the Cathedral of Learning Lawn

55. On the evening of Friday, September 25, 2009, approximately 100-300 people, many of them students from nearby universities, were present in Schenley Plaza, a public park in the Oakland neighborhood of Pittsburgh located between the Carnegie and Hillman Libraries and directly across from the Cathedral of Learning. Both the Hillman Library and the Cathedral of Learning are part of the University of Pittsburgh campus.

56. A free music concert sponsored by WYEP, a local public radio station, was held in the Plaza from 7:00 to 9:00 p.m.

57. Following the concert, people began assembling in the Plaza to protest police brutality and misconduct in Oakland the previous night. In addition to protestors, other people in the Plaza at that time included concert attendees, people observing the protest, journalists, students, and those who wished to show solidarity with the protestors.

58. Plaintiffs ARMSTRONG, JUDD, PETYAK, ROMANUS, and TUTTLE came to the Plaza to participate in a peaceful demonstration protesting the mass arrests and police brutality, including the use of tear gas and rubber bullets, that occurred in Oakland the previous night.

59. Plaintiff DUNLAP came to the Plaza to photograph the demonstration for The Pitt News, the University of Pittsburgh student newspaper. He had press credentials for the G-20 Summit that had been issued by the U.S. Department of State. The credentials were clearly visible to observers. In addition to the press credentials, he wore a camera bag and carried two SLR cameras on his shoulder.

60. Plaintiff HILL came to the Plaza to video-record the demonstration for Twin Cities Indymedia. She had a video camera and was wearing a yellow pass around her neck issued by Indymedia that said “PRESS.”

61. Plaintiff TABAS came to the Plaza because he had heard about the police presence there and wanted to take advantage of the opportunity to film the police officers assembled in the Plaza for possible inclusion in a video art piece.

62. Plaintiff BRINO came to the Plaza because he had heard about the demonstration and wanted to photograph it. Plaintiff BRINO had taken photographs during other G-20 Summit demonstrations, including the march from Arsenal Park in Lawrenceville and the People’s March, in the capacity of a citizen journalist seeking to document the events.

63. Plaintiff PITTMAN came to the Plaza to provide first-aid to protestors as part of a street medic collective from the Boston area. She was wearing clothing identifying her as a medic.

64. Plaintiffs HALBERT-BROOKS and SALLINGER were walking by the Plaza when they saw people gathered there and entered the Plaza to observe the demonstration.

65. Plaintiffs LABEL, ONG, SMITH, and SHELL came to the Plaza for the WYEP concert and remained in the Plaza to observe the demonstration afterward.

66. As the protestors and other people assembled in Schenley Plaza, so did the police. By 10:00 p.m., there was a substantial police presence in the area.

67. At that time, responsibility for security — which had been turned over to federal law enforcement officers during the G-20 Summit — was back in the hands of the City.

68. Defendants HARPER and DONALDSON were responsible for the decision to dispatch police officers to Schenley Plaza on the evening of September 25.

69. Defendants HARPER and DONALDSON made that decision based on a flyer Chief HARPER received advertising a protest in the Plaza that night at 10:00 p.m., which stated, "Fuck the police, push-back for Schenley Plaza."

70. At 9:10 p.m., there were at least three mobile field forces, which included approximately 120 police officers, stationed around Schenley Plaza.

71. After arriving at the Plaza, police officers quietly told some people, including a family with small children, that they should leave even though the crowd assembled in the Plaza was peaceful.

72. The citizens gathered in the Plaza were standing in small groups talking to friends, playing "duck, duck, goose," or listening to a man with a megaphone discussing his beliefs about the September 11, 2001, attacks.

73. By 10:30 p.m., however, hundreds of police officers in riot gear had surrounded all sides of the Plaza except for the area adjacent to Forbes Avenue.

74. The lines of police were approximately two to three officers deep.

75. Deputy Chief DONALDSON ordered that a long-range acoustic device (LRAD) be deployed to the scene at 10:19. Another LRAD was deployed to the scene at about 10:30 p.m.

76. At 10:42 p.m., Deputy Chief DONALDSON directed police to begin playing a recording from LRAD vehicles located at the northwest and southwest corners of the Plaza that said, "By order of the Chief of Police, this has been declared an unlawful assembly. You must disperse no matter what your purpose here is. If you fail to disperse, you are subject to arrest and other riot control means, which could include riot control agents and physical removal."

77. The recording did not specify where people should disperse to or from.

78. Between 9:00 p.m. and the time that the order to disperse was broadcast from the LRAD vehicles, police had not arrested anyone in Schenley Plaza.

79. At approximately 10:48 p.m., Deputy Chief DONALDSON ordered police officers stationed along Schenley Drive to push people out of the Plaza toward Forbes Avenue.

80. The people assembled in the Plaza exited the Plaza via the only route that was not blocked by a police line, namely, through the Plaza's northeast corner near the Carnegie Museum, and onto Forbes Avenue.

81. Upon the order of Deputy Chief DONALDSON, Forbes Avenue was blocked to vehicles and pedestrians in both directions between Schenley Drive and South Bellefield Avenue, *i.e.*, no one could leave via Forbes Avenue in either direction and no one outside the area could enter.

82. Although the police had managed to clear the Plaza of private citizens, Deputy Chief DONALDSON ordered police officers to continue forcing people further away from the Plaza, notably toward the Cathedral of Learning lawn.

83. Police officers ordered people who were peaceably trying to disperse by walking north on South Bellefield Avenue to climb over the bushes onto the Cathedral lawn.

84. Some police officers used batons to prod people into going over the bushes onto the lawn.

85. Police also used pepper spray. Plaintiff PITTMAN provided first aid to a Pittsburgh Tribune-Review photographer who had been sprayed in the face by police with pepper spray.

86. Once plaintiffs and other citizens were forced onto the lawn, police surrounded the Cathedral lawn.

87. People who tried to leave the Cathedral lawn by going north toward Fifth Avenue were blocked by a police line that would not let them pass.

88. Police used force and/or the threat of force to prevent people from leaving the area.

89. Plaintiff BRANDER had learned about a planned demonstration protesting the mass arrests and police brutality that occurred in Oakland the night before and was walking across the Cathedral lawn from 5th Avenue toward Schenley Plaza to check it out and decide whether to participate. Shortly after she entered the Cathedral lawn, police surrounded the lawn and blocked her exit. She called 911 because she did not know where she was supposed to go or what she was supposed to do. She hung up after several minutes of being on hold and then tried to call her mother but could not get through because cellular communications had been blocked.

90. Plaintiff JEHN had attended the WYEP concert in Schenley Plaza but left to eat dinner at a nearby restaurant. After dinner, he walked back to the Cathedral lawn to observe the demonstration and police presence in Schenley Plaza. While standing on the lawn, he was encircled by police. When he asked police if he could leave, he was told to stay with everyone else and listen for instruction.

91. The area within the police lines became a detention zone, within which 50-100 demonstrators, observers, and bystanders were seized and arrested within the meaning of the Fourth Amendment to the United States Constitution, without probable cause.

92. Plaintiffs ARMSTRONG, BRANDER, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, and TUTTLE were boxed-in by the police lines and had no avenue to exit the lawn.

93. At no time did the police officers give any type of order or directive to leave Oakland or the Cathedral of Learning lawn specifically.

94. Numerous people, including Plaintiffs ARMSTRONG, BRANDER, DUNLAP, HALBERT-BROOKS, JEHN, LABEL, PETYAK, and SMITH asked police officers for permission to cross the police line or to direct them how to leave, but the officers either refused to answer or told them to go in another direction, which was also blocked by police.

95. Without notice, warning, or justification, riot police crammed the detainees into a smaller and smaller area, trapping them in the area of the lawn between the Cathedral and Heinz Memorial Chapel.

96. Police shoved people, threw smoke canisters into the crowd, and beat their shields with their batons, which created an atmosphere of increasing fear, provocation, and tension.

97. At no time did Plaintiffs ARMSTRONG, BRANDER, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, or TUTTLE fail to obey a police order.

98. After approximately ten to fifteen minutes, one or more police officers announced that all of the persons on the lawn were under arrest, ordered everyone to lie face down on the ground, and threatened to spray anyone who moved with pepper spray.

99. Deputy Chief DONALDSON ordered the mass arrest at 11:07 p.m.

100. A police officer who approached Plaintiff HILL while she was on the ground grabbed her camera and said, "This will not be another Seattle."

101. At the direction of Deputy Chief DONALDSON and other officers acting in a supervisory capacity on behalf of the City's Police Bureau, over the course of the next hour police officers bound each person's wrists with plastic handcuffs behind their backs, lifted him or her up, and escorted him or her to an area near 5th Avenue and Tennyson Avenue that the police had designated for processing arrestees.

102. At no time was there probable cause to arrest Plaintiffs ARMSTRONG, BRANDER, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, or TUTTLE.

103. This unconstitutional mass arrest was directed and approved by City of Pittsburgh policymakers, including Chief HARPER and Deputy Chief DONALDSON, who was present during the arrests.

104. Plaintiffs ARMSTRONG, BRANDER, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, and TUTTLE were each charged with two misdemeanors: failure to disperse upon official order, 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

105. The police lacked probable cause to charge Plaintiffs ARMSTRONG, BRANDER, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, and TUTTLE with those crimes.

106. The criminal charges against Plaintiffs BRANDER, BRINO, DUNLAP, JEHN, PITTMAN, TABAS, and TUTTLE were withdrawn.

107. The criminal charges against Plaintiffs ARMSTRONG, HALBERT-BROOKS, ONG, PETYAK, SALLINGER, and SHELL were dismissed at their preliminary hearings.

108. The misdemeanor charges against Plaintiffs HILL, JUDD, LABEL, ROMANUS, and SMITH were withdrawn and replaced with a summary disorderly conduct charge, and they were each subsequently found not guilty of the summary offense.

Facts Related to the Parkman Street Arrests

109. Plaintiffs EMILY HARPER and MAX KANTAR drove to Pittsburgh together from Big Rapids, Michigan, on Thursday, September 24, to participate in the G-20 Summit demonstrations. They stayed with Ms. HARPER's brother, who lived in the Oakland neighborhood of Pittsburgh.

110. On the afternoon of Friday, September, 25, Ms. HARPER and Mr. KANTAR participated in a march from Oakland to the North Side via Downtown called the People's March.

111. Later that evening, they were walking through Oakland when they saw people assembled in Schenley Plaza and entered the Plaza to observe. They left the Plaza when they heard the police issue an order to disperse, crossed Forbes Avenue, and walked across the Cathedral lawn as fast as they could toward 5th Avenue and Tennyson Avenue.

112. They began walking up Tennyson to go back to the home of Ms. HARPER's brother, but it was blocked by police, so instead they walked north on Lytton Avenue, which ends at Parkman Avenue.

113. Ms. HARPER and Mr. KANTAR had just turned onto Parkman Avenue — a half-mile from Schenley Plaza — when three unmarked white vans pulled up behind them and police officers jumped out of the vehicles.

114. Ms. HARPER and Mr. KANTAR ran down the sidewalk away from the officers.

115. After the police officers began chasing them, Mr. KANTAR stopped and put his hands in the air. Police tackled him, pushed his face into the ground, pulled his hair, punched him several times in the back of the head, and hit him with a baton.

116. In the meantime, Ms. HARPER hid behind a bush. A police officer kicked her in the chest and another officer smashed her head into the ground and put his boot in her back. One officer, apparently believing Ms. HARPER was a male because of her short haircut, suggested to the other officers that they put "him" up against the retaining wall and shoot "him" with a beanbag gun. At that point, Ms. HARPER yelled to the officers that she was a girl.

117. After the officers picked her up off the ground, they escorted her down the street, hitting her head every time she tried to look at or call to Mr. KANTAR, who was also being detained.

118. Police officers arrested Ms. HARPER and Mr. KANTAR, put them in plastic handcuffs, and took them to an area on 5th Avenue to be processed and placed in vehicles for transport to SCI-Pittsburgh.

119. Ms. HARPER and Mr. KANTAR were charged with two misdemeanors: failure to disperse upon official order 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

120. The criminal charges against Ms. HARPER were dismissed at her preliminary hearing.

121. The misdemeanor charges against Mr. KANTAR were withdrawn and replaced with a summary disorderly conduct charge, and Mr. KANTAR was ultimately found not guilty.

Facts Related to the Arrest of Tim Barthelmes

122. On the evening of Friday, September 25, 2009, Mr. BARTHELMES was standing with some friends on the sidewalk along Forbes Avenue, near the intersection with South Bouquet Street and adjacent to the Litchfield Towers dormitories, to observe the demonstration in Schenley Plaza when a line of police officers, about twenty-five abreast, started walking toward him along Forbes Avenue. Mr. BARTHELMES and his friends walked up the steps of the Towers dormitories in the direction of 5th Avenue and Thackeray Place. When he arrived at 5th Avenue, he walked west toward his dorm — Forbes Hall, the dorm for the Honors College, at Forbes Avenue and Semple Street — until he was surrounded by a police line blocking 5th Avenue at Bouquet Street.

123. A police officer threw a tear gas canister into the street, causing Mr. BARTHELMES and those around him to run. Two police officers then grabbed Mr. BARTHELMES by the shoulders and threw him on the ground. Mr. BARTHELMES repeatedly asked the officers what he did wrong, but the officers refused to answer. Mr. BARTHELMES was arrested and put in plastic handcuffs.

124. After arresting him, police placed Mr. BATHELMES on the curb on the north side of 5th Avenue, where he was held along with several other arrestees for one to two hours. While the arrestees sat on the curb, police officers taunted them by telling them that they would be expelled from school and asking them whether their parents would be proud to see them now.

125. Mr. BARTHELMES was charged with two misdemeanors: failure to disperse upon official order, 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

126. The criminal charges against Mr. BARTHELMES were withdrawn.

Facts Related to the Arrest of Matt Bartko

127. On the evening of September 25, 2009, Plaintiff MATT BARTKO was riding his bicycle from a friend's house in the Bloomfield neighborhood of Pittsburgh to his home in south Oakland along his usual route, which took him west on 5th Avenue to Bigelow Boulevard.

128. When he arrived at Bigelow Boulevard, Mr. BARTKO observed that it was blocked by buses and police.

129. Mr. BARTKO had returned to Pittsburgh late on the night of September 24 after traveling to Milwaukee for work and was unaware of the police presence and arrests that had taken place in Oakland that night. He assumed that the police and buses were in Oakland for a University of Pittsburgh event.

130. Because he could not continue south on Bigelow Boulevard, Mr. BARTKO decided to cut through the Cathedral of Learning lawn on his bicycle.

131. When he neared the Bigelow Boulevard entrance to the Cathedral, police officers yelled at him to "go back" and he immediately turned his bicycle around in the opposite direction.

132. Despite complying with the police officers' order, police approached him from behind, grabbed him off his bicycle, threw him facedown on the ground, bound his wrists with plastic handcuffs, and arrested him.

133. Mr. BARTKO was charged with two misdemeanors: failure to disperse upon official order, 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

134. The criminal charges against Mr. BARTKO were withdrawn.

Facts Related to the Arrest of Kyle Kramer

135. On the evening of September 25, 2009, Plaintiff KYLE KRAMER was walking through Oakland with about six other people after having dinner at a restaurant on Semple Street in south Oakland.

136. When he neared the Litchfield Towers dormitories on Forbes Avenue, his passage was blocked by a group of police who ordered him to proceed down Bouquet Street toward Posvar Hall. But when he went in the direction ordered by the police, he ran into another group of police officers who told him to go the opposite way.

137. Mr. KRAMER and his friends were ultimately permitted to walk single file through two groups of police. When his friend made a comment to the police accusing them of gassing students, a police officer grabbed Mr. KRAMER, who was at the back of the single-file line, and kicked his knees in.

138. After Mr. Kramer was handcuffed, the officers forced him to kneel in front of them and pose for what appeared to be a souvenir or "trophy" photo with about fifteen members of the Chicago police department.

139. A video showing Mr. KRAMER posing with the police was later posted on YouTube and has been viewed more than 10,000 times.

140. Mr. KRAMER was charged with two misdemeanors: failure to disperse upon official order, 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

141. The criminal charges against Mr. KRAMER were withdrawn.

Facts Related to the Arrest of Jason Munley

142. On the evening of September 25, 2009, Plaintiff JASON MUNLEY was at home watching the news when he learned that police officers were interfering in students' efforts to hold a demonstration in Schenley Plaza, and he decided to go to Oakland from his home in Shadyside to show support for the demonstrators.

143. He was not aware that police had ordered people to disperse from Schenley Plaza.

144. Mr. MUNLEY traveled west on 5th Avenue on his foot scooter.

145. When he approached the intersection of 5th Avenue and Bellefield, he observed a line of police blocking the entrance to South Bellefield Avenue.

146. He displayed his middle finger to express his disagreement with the police officers' presence in Oakland.

147. Half a block later, five or six police officers jumped out from behind a parked car and told Mr. MUNLEY to stop, turn around, and drop the scooter. When Mr. MUNLEY complied with that order, the police shot him in the back at least ten times with pepper balls, which are like paint balls filled with pepper spray, causing huge welts to form on his back and causing pepper spray to infect his eyes.

148. The police arrested Mr. MUNLEY and put him in plastic handcuffs. They also cut off his shirt, which was soaked with pepper spray. Mr. Munley was not given another shirt and had to spend the night shirtless in detention, including time spent during the night in an outdoor courtyard at SCI-Pittsburgh in the rain. His shirt was never returned to him.

149. Mr. MUNLEY was charged with two misdemeanors: obstruction of highways, 18 Pa. Cons. Stat. § 5507, and disorderly conduct for using obscene language or gestures, 18 Pa Cons. Stat. § 5503(a)(3).

150. The misdemeanor charges against Mr. MUNLEY were withdrawn and replaced with a summary disorderly conduct charge, and Mr. MUNLEY was ultimately found not guilty.

Facts Related to the Arrest of John Salguero

151. On the evening of September 25, 2009, Plaintiff JOHN SALGUERO went to Schenley Plaza at about 10:00 p.m. to observe the demonstration. When police began encircling the Plaza, he left, ultimately walking to the intersection of De Soto Street and 5th Avenue, where he sat on a planter to observe events. This location was approximately a half mile away from Schenley Plaza, where the dispersal order had been given.

152. Mr. SALGUERO was sitting on the planter writing a text message on his cell phone when a police officer, without cause or provocation, sprayed him in the face with pepper spray, temporarily blinding him.

153. The police officer who sprayed Mr. SALGUERO refused to identify himself, only saying that he was "Officer Ten."

154. Police placed Mr. SALGUERO on the curb next to other arrestees and poured water on his face. The water caused the pepper spray to come into contact with his genitals, causing him severe burning pain. When Mr. SALGUERO complained about the pain, police officers laughed and called him "balls on fire."

155. He was handcuffed and transported to SCI-Pittsburgh, where he was allowed to remove his clothes and take a shower. While he showered, officers recorded him with a video camera. When Mr. SALGUERO objected, he was threatened with being pepper-sprayed again.

156. After he showered, Mr. SALGUERO was given a poncho and slippers to wear while he was detained. He was released from SCI-Pittsburgh around noon, wearing only the poncho and slippers. He still had his hooded sweatshirt, but his other clothes, which were soaked with pepper spray, were never returned to him.

157. Mr. SALGUERO was arrested and charged with two misdemeanors: failure to disperse upon official order, 18 Pa. Cons. Stat. § 5502, and disorderly conduct, 18 Pa. Cons. Stat. § 5503.

158. The criminal charges against Mr. SALGUERO were withdrawn.

Facts Related to the Processing of Plaintiffs

159. The plastic handcuffs placed on many plaintiffs were excessively tight. All plaintiffs experienced pain, and many experienced swelling and numbness from the excessively tightened handcuffs.

160. Before being transported to SCI-Pittsburgh, arrested individuals were lined up according to sex, subjected to pat-down searches, and compelled to pose for a photo with a police officer.

161. Police officers also confiscated arrested individuals' property before the individuals were put in buses or vans for transport to SCI-Pittsburgh.

162. Plaintiff TABAS has Type I diabetes and takes a long-acting form of insulin once a day at approximately 11:30 p.m. He had not yet taken his medication when he was arrested but had it with him in his messenger bag.

163. Police officers refused to allow Plaintiff TABAS to administer his medication or take it with him on the bus even though Plaintiff TABAS showed officers his driver's license and medical alert card.

164. As a consequence, Mr. TABAS' blood sugar spiked dangerously while he was in policy custody, ultimately requiring a nurse at SCI-Pittsburgh to administer regular insulin to him to prevent organ damage.

165. After they arrived at SCI-Pittsburgh, arrested individuals were detained on the buses for many hours, with their hands handcuffed behind their backs.

166. Many arrested individuals complained of being cold on the buses.

167. Guards and/or police officers made sexually suggestive comments to arrested females while they were on the buses, calling them "hot" and commenting on their appearance.

168. Many of the arrested females, including Plaintiff BRANDER, requested permission to use the bathroom. Neither BRANDER nor any other detainees were allowed to use the bathroom, however, until they were taken off the bus. Many of the arrested females, including Plaintiffs BRANDER, HARPER, LABEL, ONG, PITTMAN, and SMITH were held on buses for four to six hours.

169. When arrested females, including the female plaintiffs, were taken off the buses, they were subject to aggressive pat-down searches in front of male guards and police officers.

170. Guards also removed arrested individuals' jewelry. Guards removed Plaintiff PETYAK's lip piercing and then removed her nose ring with some difficulty. At one point a guard threatened to remove it with a pair of pliers. Guards broke Plaintiff JEHN's hoop earrings while removing them with pliers, and also removed his bracelet, which was not returned to him.

171. Arrested individuals were also compelled to pose for a second photograph when processed at SCI-Pittsburgh, and officers urged many of them to smile and/or say "G-20."

172. After being taken off the buses, the arrested individuals were placed in metal handcuffs and taken into a large room in the prison.

173. Some arrested individuals were moved into an outdoor courtyard area during the night, where they sat in cold temperatures and in the rain for several hours.

174. When arrested individuals were released from SCI-Pittsburgh, which is in an industrial area on the North Side of Pittsburgh, they were not given any information about where they were or how to get home.

175. Most arrested individuals got their property back, but the City did not return Plaintiff TABAS' camera or two bicycles belonging to him that he and a friend had with them when they were arrested.

176. Although Plaintiff HILL got her camera back, it was broken and the memory card containing the footage she had shot during the Summit was gone.

177. Plaintiff BRANDER was moved from SCI-Pittsburgh to the Allegheny County Jail at about noon on September 26.

178. When she arrived at the Jail, she was subjected to another pat-down search.

179. She was placed in a cell with several other women and her handcuffs were removed. At that point, she had been in handcuffs for more than twelve hours.

180. Plaintiff BRANDER was finally released from custody on nonmonetary bail at about 5:45 p.m. on September 26.

181. Plaintiff MUNLEY was moved from SCI-Pittsburgh to the Allegheny County Jail at about 3 a.m. and held until about 7:00 a.m. when he was released on nonmonetary bail.

182. Plaintiffs were confined by defendants for approximate periods of no less than six hours to more than eighteen hours.

183. Plaintiffs have suffered injury as a result of defendants' actions, including but not limited to, financial injury, emotional and psychological pain and suffering, and injury to their reputations.

184. Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous and reckless disregard of plaintiffs' constitutional rights in ordering plaintiffs' to disperse from a traditional public forum without just cause, ordering police to block plaintiffs' departure from the area, and then ordering police to arrest, detain and prosecute plaintiffs for failing to disperse from the area.

185. Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous, and reckless disregard of the constitutional rights of Plaintiffs KANTAR, HARPER, BARTHELMES, BARTKO, MUNLEY, KRAMER, AND SALGUERO when they ordered police to arrest people who were exercising their First Amendment rights to be on the streets and sidewalks of the Oakland neighborhood of Pittsburgh, regardless of whether they had been in Schenley Plaza when the order to disperse was made.

CLAIMS

FIRST CAUSE OF ACTION
FIRST AMENDMENT RIGHT TO FREE SPEECH AND ASSEMBLY
(against Defendants HARPER and DONALDSON)

186. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

187. The participation in and observation of political demonstrations is expression that is protected by the First Amendment to the United States Constitution.

188. Defendants HARPER and DONALDSON violated the First Amendment free-speech and free-assembly rights of Plaintiffs ARMSTRONG, BRINO, DUNLAP, HALBERT-

BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, and TUTTLE when, pursuant to Pennsylvania's failure to disperse statute, 18 Pa. Cons. Stat. § 5502, Defendants HARPER and DONALDSON ordered all people, including those participating in, supporting, or observing the demonstration in Schenley Plaza, to disperse on penalty of arrest.

189. Defendants HARPER and DONALDSON acted with wanton, callous and reckless disregard of plaintiffs' First Amendment speech and assembly rights in ordering plaintiffs to immediately cease their protected activity in a public forum and to disperse from Schenley Plaza on penalty of arrest.

SECOND CAUSE OF ACTION
FIRST AMENDMENT RIGHT TO BE FREE FROM RETALIATION
(against all defendants)

190. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

191. The participation in and observation of political demonstrations is expression that is protected by the First Amendment to the United States Constitution.

192. Defendants' arrest, detention, and prosecution of Plaintiffs ARMSTRONG, BRINO, DUNLAP, HALBERT-BROOKS, HILL, JEHN, JUDD, LABEL, ONG, PETYAK, PITTMAN, ROMANUS, SALLINGER, SHELL, SMITH, TABAS, and TUTTLE for engaging in constitutionally protected speech constituted unlawful retaliation in violation of their First Amendment rights.

193. Additionally, Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous and reckless disregard of plaintiffs' First Amendment rights in ordering

plaintiffs' detention and arrest in retaliation for exercise of plaintiffs' constitutionally protected rights.

THIRD CAUSE OF ACTION
18 Pa. Cons. Stat. § 5502 VIOLATES THE FIRST AMENDMENT ON ITS FACE
(against all Defendants)

194. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

195. Pennsylvania's failure to disperse statute, 18 Pa. Cons. Stat. § 5502, which authorizes a police officer to issue an order to disperse backed by criminal penalties to persons they believe are participating in disorderly conduct and also to all other individuals who are in the immediate vicinity "if three or more persons are participating in a course of disorderly conduct which causes or may reasonably be expected to cause substantial harm or serious inconvenience, annoyance or alarm" violates the First Amendment rights of speech and assembly because it is not narrowly tailored to serve the Commonwealth's legitimate interests and does not leave speakers or persons engaged in peaceable assembly with adequate alternative channels for communicating their message.

FOURTH CAUSE OF ACTION
18 Pa. Cons. Stat. § 5502 VIOLATES THE FOURTEENTH AMENDMENT RIGHT TO DUE PROCESS
(against all Defendants)

196. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

197. Pennsylvania's failure to disperse statute, 18 Pa. Cons. Stat. § 5502, which gives police officers unfettered discretion to decide whether acts of disorderly conduct are likely to cause substantial harm, serious inconvenience, annoyance or alarm as well as which persons are

in the immediate vicinity of those harms, is impermissibly vague because it fails to provide notice of what conduct it prohibits and authorizes arbitrary and discriminatory enforcement.

FIFTH CAUSE OF ACTION
THE APPLICATION OF 18 Pa. Cons. Stat. § 5502 TO PLAINTIFFS VIOLATED THEIR FIRST AND FOURTEENTH AMENDMENT RIGHTS
(against all Defendants)

198. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

199. The use of 18 Pa. Cons. Stat. § 5502 as applied to Plaintiffs to arrest them for failure to disperse violated their First Amendment and Due Process rights and was unlawful because the order to disperse did not comply with the requirements of the statute.

200. Additionally, Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous and reckless disregard of plaintiffs' First and Fourteenth Amendment rights in ordering plaintiffs' arrest, detention and prosecution under the circumstances identified herein.

SIXTH CAUSE OF ACTION
FOURTH AMENDMENT RIGHT TO BE FREE FROM FALSE ARREST
(against all Defendants)

201. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

202. Defendants' actions in ordering and/or carrying out the arrest and detention of Plaintiffs without probable cause violated Plaintiffs' Fourth Amendment right to be free from false arrest.

203. Furthermore, Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous and reckless disregard of plaintiffs' Fourth Amendment rights in ordering

plaintiffs to disperse without giving them any means by which to leave the area and then ordering the arrest and prosecution of plaintiffs for their failure to leave the area.

SEVENTH CAUSE OF ACTION
FOURTH AMENDMENT RIGHT TO BE FREE FROM MALICIOUS PROSECUTION
(against all Defendants)

204. Plaintiffs incorporate by reference the allegations of the preceding paragraphs as though set forth at length herein.

205. Defendants' actions in authorizing and/or directing the filing of criminal charges against the Plaintiffs without probable cause violated Plaintiffs' Fourth Amendment right to be free from malicious prosecution.

206. Furthermore, Defendants HARPER, DONALDSON and TRAPP acted with wanton, callous and reckless disregard of plaintiffs' Fourth Amendment rights in ordering plaintiffs to disperse without giving them any means by which to leave the area and then ordering the arrest and prosecution of plaintiffs for their failure to leave the area.

PRAYER FOR RELIEF

WHEREFORE, in light of the foregoing, Plaintiffs respectfully request the following:

(a) a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983 declaring that defendants violated plaintiffs' First and Fourth Amendment rights;

(b) a declaratory judgment pursuant to 28 U.S.C. §§ 2201 and 2202 and 42 U.S.C. § 1983 declaring that 18 Pa. Cons. Stat. § 5502 is unconstitutional.

(c) compensatory damages, in an amount to be determined at trial, against defendants for violating plaintiffs' rights under the United States Constitution and for physical and emotional-distress injuries resulting therefrom;

(d) punitive damages against Defendants HARPER, DONALDSON and TRAPP in an amount to be determined at trial, for their wanton, reckless and callous disregard of plaintiffs' Constitutional rights, as described hereinabove;

(e) an order awarding plaintiffs the costs incurred in this litigation, including attorney's fees pursuant to 42 U.S.C. § 1988; and

(f) such other relief as the Court deems just and proper.

Respectfully submitted,

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